

## Objective 13 — Ensure Equitable Distribution of Benefits

Increase the voice of small and disadvantaged communities in State processes and programs to achieve fair and equitable distribution of benefits. Provide access to safe drinking water and wastewater treatment for all California communities and ensure programs and policies address the most critical public health threats in disadvantaged communities.

Update 2005 recommended that DWR and other State government departments and agencies should invite, encourage, and assist representatives from disadvantaged communities and vulnerable populations, and the local agencies and private utilities serving them, to participate in statewide, regional, and local water planning processes and to get equal access to State funding for water projects. State policy establishes social equity and environmental justice (EJ) as State planning priorities to ensure the fair treatment of people of all races, cultures, and income, in particular those having experienced significant disproportionate adverse health and environmental impacts.

To enforce the fair treatment clause, four key requirements must be met:

- Disadvantaged and disproportionately affected communities must be identified and engaged.
- The water-related needs of these communities must be identified, and potential solutions developed and funded.
- The impact of water management decisions on these communities must be considered and mitigated.
- All State programs must be evaluated to document progress.

A number of efforts to better address EJ and economically disadvantaged community concerns have advanced since Update 2005.

In 2008, the California Public Resources Code, Section 75005(g), was added to define a “disadvantaged community” (DAC) as a community with a median household income of less than 80 percent of the statewide average. A “severely disadvantaged community” is one with a median household income of less than 60 percent of the statewide average.

The current DWR guidelines for IRWM funding, allocated through voter-approved Propositions 84 and 1E, identify statewide priorities among which is a goal to “ensure equitable distribution of benefits.” For implementation grants, DWR has prioritized proposals that:

- Increase the participation of small communities and DACs in the IRWM process.
- Develop multi-benefit projects with consideration given to affected DACs and vulnerable populations.
- Address safe drinking water and wastewater treatment needs of DACs.

In 2012, California Water Code Section 106.3 was added to declare that the established policy of the State recognizes every human being as having the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. All relevant State agencies, including DWR, SWRCB, and CDPH, are required to consider this State policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.

Other initiatives have also moved forward, including:

- Final Report To The Governor's Office August 20, 2012, Governor's Drinking Water Stakeholder Group, Agreements and Legislative Recommendations.
- CDPH's Small Water System Program Plan.
- SWRCB's Small Community Wastewater Grant Program.

Even with all these efforts, one of the challenges that State agencies and water systems express about trying to address the needs of DACs is simply answering these two questions: "Who are they?" and "Where are they?"

The CWP can provide guidance and tools for identifying disadvantaged and EJ communities. It is vitally important to identify community needs. Most water, wastewater, and flood projects are not developed for these communities; and yet, they can affect them. It is important to understand that even projects that convey "general" public benefit may not proportionally benefit EJ communities or DACs. For example, conservation programs that depend heavily on toilet and washing machine rebates will have greater penetration in middle- and upper-class communities than they will in poorer communities that purchase less frequently and cannot afford the initial outlay for the fixture. These problems are resolved by taking community concerns into account during the project design phase to ensure equitable benefits.

Another concept that plays into the measurement of impacts is the cumulative effects of a project. It is understandable that water agencies would look at other water projects in determining the impact of their project, but that practice ignores the reality of these communities. That is, these communities endure so many challenges on a daily basis, that one more, from any source, only adds to what may already be an excessive burden.

Finally, planners should develop multi-benefit projects with consideration given to affected DACs and vulnerable populations. This is particularly true in already affected communities. For example, if an agency is developing a flood management project, it would be prudent to look at developing the project in ways that will provide flood protection, as well as open space, wildlife habitat, and/or recreational opportunities, to DACs and vulnerable populations.

## *Related Actions*

- 13.1 Ensure implementation of the policy goals of California Water Code Section 106.3 (AB 685), which state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
  - 13.1.1 State government should ensure that the goals established by the policy — safe, clean, affordable, and accessible water adequate for domestic uses — are reflected in agency planning.
  - 13.1.2 State government should give preference to policies that advance the policy and refrain from taking actions that adversely affect the human right to water.
  - 13.1.3 State government should report on actions undertaken to promote the policy and make information relevant to the human right to water available to the public.
  - 13.1.4 State government should foster meaningful opportunities for public participation in agency decision-making by California's diverse population.
  - 13.1.5 State government should facilitate access by rural and urban DACs to state funds for water infrastructure improvements.
  - 13.1.6 State government should ensure the effectiveness of accountability mechanisms protecting access to clean and affordable water.
- 13.2 Increase EJ and DAC participation in planning.
  - 13.2.1 DWR and the other CWP Steering Committee members should incorporate EJ issues of precautionary applications, cumulative health impact reductions, public participation, community capacity building and communication, and meaningful participation in current and future CWP Update processes and other programs.
  - 13.2.2 DWR should require that grant and loan recipients conduct outreach to DACs and vulnerable populations and their advocates to seek their participation in water planning programs, including the CWP update, and IRWM plans and other local water planning processes.
- 13.3 Develop CWP goals and objectives, in coordination with IRWM partnerships, to resolve water-related public health issues in DACs.
  - 13.3.1 California tribes, both recognized and unrecognized, should provide goals and objectives to protect tribal uses of water, especially those that affect the health of tribal members (see Objective 12).
  - 13.3.2 DWR, DFW, and other State agencies should develop statewide goals and objectives for the provision of safe fish for communities that rely on fish as part of their subsistence diet.
  - 13.3.3 DWR, in consultation with other State agencies, including the Department of Conservation, tribes, and community groups, should develop goals and objectives to restore and protect watersheds by making use of existing

- 1 community-based watershed councils and groups under-utilized in maintaining  
2 and restoring California's water resources.
- 3 13.4 Support financial mechanisms to facilitate improved wastewater removal systems.  
4 13.4.1 The SWRCB and DWR should establish incentives to support conversion to  
5 municipal or other upgraded wastewater removal systems.  
6 13.4.2 The SWRCB and DWR should establish a process to create introductory, then  
7 graduated, wastewater rates to allow a period of adjustment for new fees.
- 8 13.5 Increase disadvantaged community access to funding.  
9 13.5.1 The SWRCB, CDPH, DWR, and other State agencies should work with DACs  
10 and vulnerable populations and their advocates to review State government  
11 funding programs and develop guidelines that make funding programs equally  
12 accessible to DACs and EJ communities.  
13 13.5.2 The SWRCB, CDPH, DWR, and other State agencies should work with DACs  
14 and vulnerable populations and their advocates to develop a technical  
15 assistance program to provide resources, expertise, and information to DACs  
16 and EJ communities to enable them to actively and equally participate in  
17 planning processes and access funding sources.
- 18 13.6 Provide incentives for the consolidation, acquisition, or improved management of  
19 small water systems.  
20 13.6.1 CDPH should establish incentives to encourage consolidation with the  
21 "smalls" by the larger system. There are valid concerns on the part of the larger  
22 system when approached with the idea of acquiring small, dysfunctional  
23 systems.  
24 13.6.2 CDPH should conduct outreach and education for customers and shareholders  
25 to a proposed consolidation to ensure informed decision-making.  
26 13.6.3 CDPH should support efforts to improve licensing and training options for  
27 small water system operators.
- 28 13.7 CDPH should implement its Small Water System Program Plan to assist small water  
29 systems (especially those serving DACs) that are unable to provide water that meets  
30 primary drinking water standards.  
31 13.7.1 CDPH should share the Small Water System Program Plan with relevant  
32 federal, State, and local agencies, as well as stakeholders, to foster additional  
33 opportunities for funding, coordinate construction projects in communities, and  
34 assist in local and regional planning efforts.  
35 13.7.2 CDPH should utilize GIS tools to identify large water systems in close  
36 proximity to targeted small water systems, and conduct targeted outreach to  
37 these large water systems to encourage them to consolidate the small systems  
38 into their service area.

1 13.7.3 CDPH should work with stakeholders to identify obstacles to consolidation  
2 (including financial, legal, and local issues) and develop possible actions to  
3 address these obstacles.

4 13.7.4 CDPH should participate in statewide planning efforts to address the water  
5 infrastructure needs of small water systems. CDPH should seek input from  
6 other states and the federal government on innovative, successful efforts to  
7 address the needs of small water systems, and should share its results on  
8 implementation of its Small Water System Program Plan.

9 13.8 Collect and maintain data on EJ communities and DACs.

10 13.8.1 The SWRCB, CDPH, DWR, and other State and federal agencies should  
11 coordinate their review of current monitoring and regulatory programs to  
12 identify and address gaps in available data and monitoring programs that affect  
13 DACs and vulnerable populations.

14